IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1633 OF 2007

Tatoba B. Magdum ....Petitioner
V/s.
Swastishri Jinsen Bhattarak Pattacharya .
Mahaswami Mathsansthan, Kolhapur & Ors.....Respondents

Mr.S.G. Karandikar for the Petitioner.
Mr.P.S. Dani with Mr.P.M. Arjunwadkar for Respondent Nos.1 to 10.

CORAM : S.J. VAZIFDAR, J.
DATED : 25TH JULY, 2007.

P.C. :

1. The impugned order warrants no interference. The question of validity of the certificate under Section 88(b) of the Bombay Tenancy and Agricultural Lands Act, 1948 will be decided in the proceedings already adopted by the Petitioner under the said Act. Therefore, it is not necessary for the issue to be raised in the Civil Court.

2. Even in the event of the suit being decreed, it will always be open to the Petitioner to adopt proceedings in accordance with law in respect thereof depending upon the outcome of the proceedings adopted by the Petitioner to challenge the certificate under Section 88(b) of the said Act.

3. In the circumstances, the Writ Petition is

dismissed.